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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,526	09/05/2003	Kevin I. Bertness	C382.12-0163	9523
7590	04/04/2005			EXAMINER TERESINSKI, JOHN
Judson K. Champlin Westman, Champlin & Kelly Suite 1600 900 Second Avenue South Minneapolis, MN 55402-3319			ART UNIT 2858	PAPER NUMBER

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/656,526	BERTNESS, KEVIN I.
	Examiner	Art Unit
	John Teresinski	2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 January 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-35 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 10/15/04

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1 recites "witing" in line 2, applicant is advised to replace the limitation with -- wiring -- to be consistent with the following claim limitations.. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10, 11, 13-25, 27, 28, and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,811,979 to Rhein.

Regarding claims 1, 18 and 35, Rhein discloses a method and device including measurement circuitry configured to:

measure a first parameter of the electrical system between a first connection to the electrical system and a second connection to the electrical system (column 5 lines 26-27);

measure a second parameter of the electrical system between a third connection to the electrical system and the second connection to the electrical system (column 5 lines 28-30); and a processor configured to determine cable resistance of wiring as a function of the first parameter and the second parameter (column 5 lines 40-43).

Regarding claims 7 and 24, Rhein discloses including Kelvin connectors to the electrical system (column 5 line 15).

Regarding claims 2 and 19, Rhein disclose providing multiple circuits for providing multiple parameters sensed as a function of other parameters (column 5 lines 34-45).

Regarding claims 3, 4, 20 and 21; Rhein discloses the first and second parameters are dynamic and measured in response to a forcing function (column 4 lines 51-61).

Regarding claims 5, 6, 22 and 23, Rhein discloses the forcing function comprises an active forcing function and wherein the forcing function comprises passive forcing function (column 4 lines 51-67).

Regarding claims 10, 11, 27 and 28, Rhein discloses determining electrical resistance in accordance to the equation as claimed (column 5 lines 15-18).

Regarding claims 13-15 and 30-32, Rhein discloses an output configured to provide an output/ an output to an operator/ an output to electrical circuitry related to the cable resistance of the wiring (column 5 lines 55-67, column 6 lines 1-3).

Regarding claims 16 and 33, Rhein discloses a pass/fail output (column 6 lines 1-3).

Regarding claims 17 and 34, Rhein discloses output is indicative of a voltage drop for a particular current through the electrical system (column 5 lines 55-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 12, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhein in view of U.S. Patent No. 6,316,914 to Bertness.

Regarding claims 9 and 26, Rhein does not disclose the electrical system comprises an electrical system of a vehicle. Bertness discloses an electrical battery tester wherein the electrical system comprises an electrical system of a vehicle (column 3 lines 39-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the electrical system comprises an electrical system of a vehicle as taught by Bertness into Rhein for the purpose of providing increased utility.

Regarding claims 12 and 29, Rhein does not disclose measurements indicative of a cold cracking amp measurement. Bertness discloses measurements indicative of a cold cracking amp measurement (column 7 lines 22-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include measurements indicative of a cold cracking amp measurement as taught by Bertness into Rhein for the purpose of providing a more accurate battery testing means.

Response to Arguments

Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Teresinski whose telephone number is (571) 272-2235. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JT
March 31, 2005

Anjan Deb
ANJAN DEB
PRIMARY EXAMINER